



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

William C. Fanslow III and Elaine K. Thomas

Docket No.:

Serial No.: 09/842,745

Group Art Unit:

Filing Date: April 25, 2001

Examiner:

Gambel, P.

For: METHOD FOR TREATMENT OF TUMORS USING PHOTODYNAMIC THERAPY

RESPONSE TO RESTRICTION REQUIREMENT

Box NON-FEE
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to an Office Action having a mailing date of January 13, 2003, in which the Examiner restricted the invention into groups I and II and required Applicants to elect one of the inventions set forth by the Examiner, Applicants elect the invention of Group I, claims 1 through 19, drawn to methods of treating tumor-bearing patients with a CD40 binding protein in conjunction with photodynamic therapy. Applicants make this election in an effort to be cooperative and speed allowance of the claims, and respectfully traverse the restriction requirement. Claim 22 is dependant upon claim 9, which is one of the elected claims. Claims 20 and 21 incorporate the steps found in several of the elected claims and add another step. Applicants respectfully submit that the searches required for the two groups of claims set forth by the Examiner are co-extensive.

In view of the foregoing election and remarks, Applicants submit that all claims pending in this application are in condition for allowance and a notice to that effect is respectfully requested. If the Examiner believes that prosecution could be expedited by way of a telephonic interview, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to: Box Non-Fee, Commissioner of Patents, Washington, D.C. 20231.

Date: February 13, 2003